

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DRF18-0814-42**

Date of Adoption **AUGUST 14, 2018**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

Legislative Director

PRESENTED BY COUNCIL MEMBER

INMAN

SECONDED BY

BURGESS

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2014, 2015, 2016, 2017, AND 2018 TAX APPEALS ENTITLED 925 SPRINGFIELD AVENUE, INC., V. TOWNSHIP OF IRVINGTON, DOCKET NOS.: 006740-2014; 004079-215; 004097-2016; 003501-2017; 005035-2018 OF THE TAX ASSESSMENT OF BLOCK 280, LOT 5, KNOWN AS 927-943 SPRINGFIELD AVENUE IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2014, 2015, 2016, 2017, and 2018 on Block 280, Lot 5 have been filed by the Taxpayer, 925 Springfield Avenue, Inc.; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, New Jersey, as follows:

1. Settlement of the 2014 tax appeal is hereby authorized as follows:

927-943 Springfield Avenue

Block 200, Lot 21

Year: 2014

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 68,000	N/A	WITHDRAWN
Imprvts:\$1,537,900	N/A	WITHDRAWN
Total: \$1,605,900	N/A	WITHDRAWN

2. Settlement of the 2015 tax appeal is hereby authorized as follows:

927-943 Springfield Avenue

Block 200, Lot 21

Year: 2015

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 68,000	N/A	\$ 68,000
Imprvts:\$1,537,900	N/A	\$1,432,000
Total: \$1,605,900	N/A	\$1,500,000

3. Settlement of the 2016 and 2017 tax appeals is hereby authorized as follows:

927-943 Springfield Avenue

Block 200, Lot 21

Years: 2016, 2017

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 68,000	N/A	\$ 68,000
Imprvts:\$1,537,900	N/A	\$1,332,000
Total: \$1,605,900	N/A	\$1,400,000

4. Settlement of the 2018 tax appeal is hereby authorized as follows:

927-943 Springfield Avenue

Block 200, Lot 21

Year: 2018

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 68,000	N/A	\$ 68,000
Imprvts:\$1,537,900	N/A	\$1,232,000
Total: \$1,605,900	N/A	\$1,300,000

5. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

<u>COUNCIL MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>N.V.</u>	<u>A.B.</u>	<u>COUNCIL MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>N.V.</u>	<u>A.B.</u>
BURGESS, 1ST VICE PRESIDENT	X				INMAN	X			
COX				X	JONES, 2ND VICE PRESIDENT	X			
FREDERIC	X				LYONS, PRESIDENT	X			
DR. HUDLEY	X								

PRESIDENT OF COUNCIL

MUNICIPAL CLERK

DATE **AUG 14 2018**

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK

DATE **AUG 14 2018**

ADMINISTRATOR ☐ ASSESSOR ☐ BLDG ☐ CFO ☐ COLLECTOR ☐ COURT ☐ EDGO ☐ ENGINEER ☐ FIRE~CF ☐ HEALTH ☐ HOUSING ☐ INIC ☐
JUDGE ☐ LEGAL ☐ LIBR ☐ LICEN ☐ MAYOR ☐ NPP ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY~DIR ☐ PUBLIC WORKS ☐ PURCHASING ☐
SEC~PB/ZBA ☐ TRAFFIC ☐ ZONING~OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): _____

MICHAEL A. VESPASIANO, ESQ.
 331 Main Street
 Chatham, NJ 07928
 (973) 635-1100
 Attorney ID No. 004341991

925 Springfield Avenue, Inc.	:	TAX COURT OF NEW JERSEY
Plaintiff,	:	Docket Nos. 006740-2014,
	:	004079-2015, 004097-2016,
	:	003501-2017, 005035-2018
	:	
vs.	:	<u>Civil Action</u>
	:	STIPULATION OF SETTLEMENT
	:	(without Affidavit)
	:	
Irvington	:	Assigned Judge: Nugent
Defendant.	:	First Calendar Date: 09/2015
	:	

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment entered as follows:

Block: 280 Lot: 5
 Year(s): 2014
 Street Address: 927-943 Springfield Ave.

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land: \$ 68,000		\$ N/A	
Impvts: \$1,537,900		\$ N/A	WITHDRAW
Total: \$1,605,900		\$ N/A	

Block: 280 Lot: 5
 Year(s): 2015
 Street Address: 927-943 Springfield Ave.

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land: \$ 68,000		\$ N/A	\$ 68,000
Impvts: \$1,537,900		\$ N/A	\$1,432,000
Total: \$1,605,900		\$ N/A	\$1,500,000

Block: 280 Lot: 5
 Year(s): 2016, 2017
 Street Address: 927-943 Springfield Ave.

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$ 68,000	\$ N/A	\$ 68,000
Impvts:	<u>\$1,537,900</u>	<u>\$ N/A</u>	<u>\$1,332,000</u>
Total:	\$1,605,900	\$ N/A	\$1,400,000

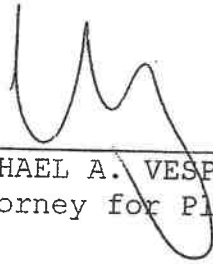
Block: 280 Lot: 5
 Year(s): 2018
 Street Address: 927-943 Springfield Ave.

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$ 68,000	\$ N/A	\$ 68,000
Impvts:	<u>\$1,537,900</u>	<u>\$ N/A</u>	<u>\$1,232,000</u>
Total:	\$1,605,900	\$ N/A	\$1,300,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
3. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.
4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment. Refund shall be payable to "Michael A. Vespasiano, Attorney Trust Account".

5. The parties further agree that the 2019 assessment for Block 280 Lot 5 will be set on-the-books at \$1,242,000.

Dated:



MICHAEL A. VESPASIANO
Attorney for Plaintiff

Dated:

MATTHEW J. O'DONNELL
Attorney for Defendant